

HOUSE BILL 1248

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11r2820

By: **Delegates Bates, B. Robinson, and Aumann**

Introduced and read first time: February 21, 2011

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Parole and Probation – Earned Compliance Credits**

3 FOR the purpose of requiring the Division of Parole and Probation to record certain
4 earned compliance credits for an individual placed on probation by the court or
5 serving a period of parole or postrelease supervision from prison or jail and who
6 satisfies the requirements specified in a certain case plan for the individual, has
7 no new arrests, and makes scheduled monthly payments for restitution, fines,
8 and fees; requiring the Division to recommend to the Maryland Parole
9 Commission or the court that a certain supervised individual be placed in a
10 nonactive supervision status; authorizing the Commission or the court to adjust
11 a certain period of a supervised individual's supervision on a certain
12 recommendation; requiring the Division to adopt certain rules and regulations;
13 defining certain terms; and generally relating to parole and probation and
14 earned compliance credits.

15 BY adding to

16 Article – Correctional Services

17 Section 6–117

18 Annotated Code of Maryland

19 (2008 Replacement Volume and 2010 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
21 MARYLAND, That the Laws of Maryland read as follows:

22 **Article – Correctional Services**

23 **6–117.**

24 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE**
25 **MEANINGS INDICATED.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(2) “CASE PLAN” MEANS AN INDIVIDUALIZED ACCOUNTABILITY**
2 **AND BEHAVIOR CHANGE STRATEGY FOR SUPERVISED INDIVIDUALS THAT:**

3 **(I) TARGETS AND PRIORITIZES THE SPECIFIC CRIMINAL**
4 **RISK FACTORS OF THE SUPERVISED INDIVIDUAL;**

5 **(II) MATCHES PROGRAMS TO THE SUPERVISED**
6 **INDIVIDUAL’S INDIVIDUAL CHARACTERISTICS, SUCH AS GENDER, CULTURE,**
7 **MOTIVATIONAL STAGE, DEVELOPMENTAL STAGE, AND LEARNING STYLE;**

8 **(III) ESTABLISHES A TIMETABLE FOR ACHIEVING SPECIFIC**
9 **BEHAVIORAL GOALS, INCLUDING A SCHEDULE FOR PAYMENT OF VICTIM**
10 **RESTITUTION, CHILD SUPPORT, AND OTHER FINANCIAL OBLIGATIONS BY THE**
11 **SUPERVISED INDIVIDUAL; AND**

12 **(IV) SPECIFIES POSITIVE AND NEGATIVE ACTIONS THAT**
13 **WILL BE TAKEN IN RESPONSE TO THE SUPERVISED INDIVIDUAL’S BEHAVIORS.**

14 **(3) “EARNED COMPLIANCE CREDIT” MEANS A 20-DAY**
15 **REDUCTION FROM THE PERIOD OF ACTIVE SUPERVISION OF THE SUPERVISED**
16 **INDIVIDUAL FOR EVERY MONTH THAT A SUPERVISED INDIVIDUAL:**

17 **(I) FULFILLS THE TERMS OF THE SUPERVISED**
18 **INDIVIDUAL’S CASE PLAN;**

19 **(II) HAS NO NEW ARRESTS; AND**

20 **(III) MAKES SCHEDULED MONTHLY PAYMENTS FOR**
21 **RESTITUTION, FINES, AND FEES.**

22 **(4) “SUPERVISED INDIVIDUAL” MEANS AN INDIVIDUAL PLACED**
23 **ON PROBATION BY A COURT OR SERVING A PERIOD OF PAROLE OR**
24 **POSTRELEASE SUPERVISION AFTER RELEASE FROM PRISON OR JAIL.**

25 **(B) (1) NOTWITHSTANDING ANY OTHER LAW, THE DIVISION OF**
26 **PAROLE AND PROBATION SHALL:**

27 **(I) RECORD EARNED COMPLIANCE CREDITS OF A**
28 **SUPERVISED INDIVIDUAL; AND**

29 **(II) RECOMMEND TO THE MARYLAND PAROLE COMMISSION**
30 **OR THE COURT THAT THE SUPERVISED INDIVIDUAL BE PLACED IN A NONACTIVE**
31 **SUPERVISION STATUS FOR THE TIME PERIOD AWARDED WITH EARNED**
32 **COMPLIANCE CREDITS.**

1 **(2) THE COMMISSION OR COURT MAY ADJUST THE PERIOD OF A**
2 **SUPERVISED INDIVIDUAL'S SUPERVISION ON THE RECOMMENDATION OF THE**
3 **DIVISION FOR EARNED COMPLIANCE CREDITS.**

4 **(3) (I) THE DIVISION SHALL ADOPT REGULATIONS FOR THE**
5 **FORFEITURE OF EARNED COMPLIANCE CREDITS FOR SUPERVISED INDIVIDUALS**
6 **WHO VIOLATE CONDITIONS OF SUPERVISION.**

7 **(II) THE REGULATIONS DESCRIBED IN SUBPARAGRAPH (I)**
8 **OF THIS PARAGRAPH SHALL PROVIDE:**

9 **1. THAT FORFEITURE IS PART OF THE SYSTEM OF**
10 **GRADUATED SANCTIONS OF THE DIVISION;**

11 **2. THAT THE EXTENT OF EARNED COMPLIANCE**
12 **CREDITS THAT ARE FORFEITED IS RELATED TO THE LEVEL OF SEVERITY OF THE**
13 **VIOLATION;**

14 **3. THAT FORFEITURE OF EARNED COMPLIANCE**
15 **CREDITS IS LIMITED TO CREDITS ALREADY EARNED, AND MAY NOT**
16 **PROSPECTIVELY DENY FUTURE EARNED COMPLIANCE CREDITS; AND**

17 **4. FOR A PROCEDURE FOR THE RESTORATION OF**
18 **FORFEITED EARNED COMPLIANCE CREDITS TO A SUPERVISED INDIVIDUAL**
19 **BASED ON THE SUPERVISED INDIVIDUAL'S COMPLIANCE WITH SUPERVISION**
20 **CONDITIONS AND PROGRESS IN ACHIEVING THE GOALS OF THE SUPERVISED**
21 **INDIVIDUAL'S CASE PLAN.**

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 2011.